

CITY OF CARMEL - BOARD OF ZONING APPEALS  
**APPLICATION FOR ADMINISTRATIVE APPEAL**

**Fee: \$171.00**

DOCKET NO. \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

1) Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

2) Project Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Engineer/Architect: \_\_\_\_\_ Phone: \_\_\_\_\_

Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

3) Applicant's Status: (Check the appropriate response)

\_\_\_\_\_ (a) The applicant's name is on the deed to the property

\_\_\_\_\_ (b) The applicant is the contract purchaser of the property

\_\_\_\_\_ (c) Other: \_\_\_\_\_

4) If Item 3) (c) is checked, please complete the following:

Owner of the property involved: \_\_\_\_\_

Owner's address: \_\_\_\_\_ Phone: \_\_\_\_\_

5) Record of Ownership:

Deed Book No./Instrument No. \_\_\_\_\_

Page: \_\_\_\_\_ Purchase date: \_\_\_\_\_

6) Common address of the property involved: \_\_\_\_\_

Legal description: \_\_\_\_\_

Tax Map Parcel No.: \_\_\_\_\_

7) State explanation of requested Appeal: (State what you want to do and cite the section number(s) of the Unified Development Ordinance which applies and/or creates the need for this appeal).

\_\_\_\_\_  
\_\_\_\_\_

8) State reasons supporting the Appeal: (Additionally, complete the attached question sheet entitled "Findings of Fact-Appeal").

\_\_\_\_\_  
\_\_\_\_\_

9) Present zoning classification of the property: \_\_\_\_\_

9a) Zoning Overlay (if applicable): \_\_\_\_\_

- 10) Present use of the property: \_\_\_\_\_
- 11) Size of lot/parcel in question \_\_\_\_\_ acres
- 12) Describe the proposed use of the property \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 13) Is the property: Owner occupied \_\_\_\_\_ Renter occupied \_\_\_\_\_ Other \_\_\_\_\_
- 14) Are there any restrictions, laws, covenants, variances, special uses, or appeals filed in connection with this property that would relate or affect its use for the specific purpose of this application? If yes, give date and docket number, decision rendered and pertinent explanation.  
\_\_\_\_\_  
\_\_\_\_\_
- 15) Has work for which this application is being filed already started? If answer is yes, give details:  
Building Permit Number: \_\_\_\_\_  
Builder: \_\_\_\_\_
- 16) If proposed appeal is granted, when will the work commence? \_\_\_\_\_
- 17) If the proposed appeal is granted, who will operate and/or use the proposed improvement for which this application has been filed?  
\_\_\_\_\_

NOTE: LEGAL NOTICE shall be published in the newspaper **according to the Chart on page 5** a MANDATORY twenty (20) days prior to the public hearing date. The certified "Proof of Publication" affidavit for the newspaper must be available for inspection the night of the hearing.

LEGAL NOTICE to all adjoining and abutting property owners is also MANDATORY, two methods of notice are recommended:

- 1) **FIRST CLASS MAIL WITH CERTIFICATE OF MAILING** sent to adjoining property owners. (The white receipt should be stamped by the Post Office at least 20 days prior to the public hearing date)
- 2) **HAND DELIVERED** to adjoining and abutting property owners (A receipt signed by the adjoining and abutting property owner acknowledging the 20 day prior notice should be kept for verification that the notice was completed)

**REALIZE** THE BURDEN OF PROOF FOR ALL NOTICES IS THE RESPONSIBILITY OF THE APPLICANT. AGAIN, THIS TASK MUST BE COMPLETED AT LEAST 20 DAYS PRIOR TO PUBLIC HEARING DATE.

The applicant understands that docket numbers will not be assigned until all supporting information has been submitted to the Department of Community Services.

Applicant Signature: \_\_\_\_\_

The applicant certifies by signing this application that he/she has been advised that all representations of the Department of Community Services are advisory only and that the applicant should rely on appropriate Unified Development Ordinance and/or the legal advice of his/her attorney.

**ADMINISTRATIVE APPEAL  
-- INSTRUCTION SHEET --**

1. Allow plenty of time for the Department of Community Services (DOCS) staff review and Board of Zoning Appeals (BZA) approval Process (approximately 45-60 days). Discuss proposed Appeal with the DOCS staff at a pre-submittal meeting (please call for an appointment; 317-571-2417, Third Floor, Carmel City Hall, 1 Civic Square, Carmel).
2. INFORMATION NEEDED for formal DOCS staff and BZA review:
  - a. Need the original and one copy of the completed variance application (available from the Office of DOCS), with legal description(s) attached.
  - b. Need two (2) copies of location map showing location of site in question, zoning, and existing land use of all adjacent properties.
  - c. Need two (2) copies of all plans drawn to scale with all dimensions and depicting all existing and proposed structures, elevations, landscaping, drainage, lighting, signage, and any other supporting documentation to fully understand the proposal.
  - d. Need two (2) copies (one with each application form) of adjacent property owners list certified by the Hamilton County Auditor's Office.
3. The above referenced information must be submitted to the DOCS at least forty-five (45) days prior to hearing date. Within ten (10) days, the application will be reviewed by staff and a letter outlining the deficiencies will be mailed to the petitioner or a docket number will be assigned (a docket number will not be assigned until all deficiencies are addressed).
4. After final review the petitioner will need to pay the required filing fee at which time the docket number will be released.
5. At this time, the Notice of Public Hearing must be mailed **First Class mail with a Certificate of Mailing** to all adjacent property owners and published in the newspaper **according to the Chart on page 5** a MANDATORY 20 days prior to the public hearing date. Also, a public hearing sign must be posted on the property (see next page).
6. At least ten (10) days prior to the hearing, the petitioner must submit their proof of publications, proof of adjacent property owners notice, a completed Petitioner's Affidavit of Notice of Public Hearing, and the Board member's packets to the DOCS (a minimum of nine [9] packets are needed).

The following is the order and list of items that should be included in the each Board Member's packet:

- |   |   |
|---|---|
| 1-Finding of Facts (ballot sheet)         | 4-Statement of Support (short paragraph)  |
| 2-Finding of Facts (question sheet)       | 5-Location Map  |
| 3-Statement of Variance (short paragraph) | 6-Reductions of all plans (site, drainage, landscaping, signage, lighting, etc...) and elevations |

7. The property owner, property owner's Attorney, or someone with the property owner's Power of Attorney must be present at the Carmel Board of Zoning Appeals Public Hearing.
8. A presentation must be given at the public hearing. This should include some type of display or exhibit; an opaque paper overhead projector and laser pointer will be available the night of the hearing.
9. Generally, variance applications are acted upon by the Board in one meeting. However, the Board at its discretion at any time may table an item.
10. The Carmel Board of Zoning Appeals meets the fourth Monday of each month at 6:00 p.m. in the City Council Chambers, 2nd floor of City Hall, 1 Civic Square, Carmel, Indiana 46032. (BZA Hearing Officer meetings usually take place immediately prior to this meeting, in the Caucus Rooms.)

### ADJACENT PROPERTY OWNERS LIST

I,           (Auditor's Name)          , Auditor of Hamilton County, Indiana, certify that the attached affidavit is a true and complete listing of the adjoining and adjacent property owners concerning Docket No. \_\_\_\_\_.

OWNERADDRESS

**EXAMPLE ONLY:**

Formal list request sheet & official list may be acquired from the Hamilton County Real Property Dept. (317-770-4412 or [hamiltoncounty.in.gov](http://hamiltoncounty.in.gov)) Please allow 3 to 5 days for Hamilton County to complete your request.

Auditor of Hamilton County, Indiana

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Date

**NOTICE OF PUBLIC HEARING – NEWSPAPER PUBLICATION (LEGAL AD)**

Per Article VI, Section 3 of the BZA Rules of Procedure, a legal notice shall be published in the Current in Carmel newspaper. However, affected areas located within a non-Carmel postal ZIP code (Westfield, Zionsville, Indianapolis) must place a legal notice in the corresponding city's newspaper. Refer to the chart below to find what publications to notify based upon the corresponding ZIP code. **(Please note: subject sites located on the border between a Carmel and a non-Carmel zip code must make legal ad notice to two newspapers – The Current & The Indianapolis Star.)**

<u>Zip Code</u>	<u>Publication</u>
46032 or 46033	Current in Carmel
46074	Current in Westfield
46077	Current in Zionsville
46240, 46260, 46268, 46280, or 46290	Indianapolis Star

**AFFIDAVIT**

I, being duly sworn depose and say that the foregoing signatures, statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. I, the undersigned, authorize the applicant to act on my behalf with regard to this application and subsequent hearings and testimony.

\_\_\_\_\_  
Signed Name (Property Owner, Attorney, or Power of Attorney)

\_\_\_\_\_  
Printed Name

STATE OF INDIANA

SS:

The undersigned, having been duly sworn upon oath says that the above information is true and correct and he is informed and believes.

\_\_\_\_\_  
(Signature of Petitioner)

County of \_\_\_\_\_ Before me the undersigned, a Notary Public  
(County in which notarization takes place)

for \_\_\_\_\_ County, State of Indiana, personally appeared  
(Notary Public's county of residence)

\_\_\_\_\_ and acknowledge the execution of the foregoing instrument  
(Property Owner, Attorney, or Power of Attorney)

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
(day) (month) (year)

(SEAL)

\_\_\_\_\_  
Notary Public--Signature

\_\_\_\_\_  
Notary Public-- Please Print

My commission expires: \_\_\_\_\_

(Useable template for  
published and mailed  
Public Notice)

**NOTICE OF PUBLIC HEARING BEFORE THE  
CARMEL BOARD OF ZONING APPEALS**

Docket No. \_\_\_\_\_

Notice is hereby given that the Carmel Board of Zoning Appeals meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ p.m. in the Carmel City Hall Council Chambers, 2nd floor, One Civic Square, Carmel, IN 46032 will hold a Public Hearing upon an Appeal of a decision rendered by the Director of the Dept. of Community Services to:

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With property being known as (*insert address*) \_\_\_\_\_.

The application is identified as Docket No. \_\_\_\_\_.

The real estate affected by said application is described as follows:

*[Insert Legal Description OR Tax ID parcel number(s)]*

All interested persons desiring to present their views on the above application, either in writing or verbally, will be given an opportunity to be heard at the above-mentioned time and place.

\_\_\_\_\_  
PETITIONERS

*(Note: When mailing out public notices to adjacent property owners, it is recommended that you also include a location map.)*

**PETITIONER'S AFFIDAVIT OF NOTICE OF PUBLIC HEARING  
CARMEL BOARD OF ZONING APPEALS**

I (WE) \_\_\_\_\_ DO HEREBY CERTIFY THAT A LEGAL  
(Petitioner's Name)  
NOTICE OF PUBLIC HEARING BEFORE THE CARMEL BOARD OF ZONING APPEALS CONSIDERING  
DOCKET NO. \_\_\_\_\_, WAS GIVEN AT LEAST 20 DAYS PRIOR TO THE DATE OF  
THE PUBLIC HEARING TO THE BELOW-LISTED ADJOINING AND ABUTTING PROPERTY OWNERS:

OWNER

ADDRESS


STATE OF INDIANA

SS:

The undersigned, having been duly sworn upon oath says that the above information is true and correct and he is informed and believes.

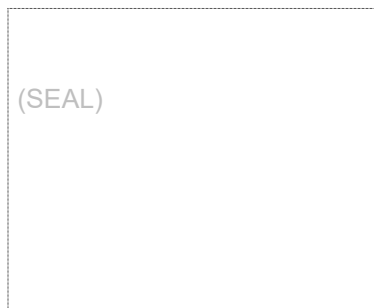
\_\_\_\_\_  
(Signature of Petitioner)

County of \_\_\_\_\_ Before me the undersigned, a Notary Public  
(County in which notarization takes place)

for \_\_\_\_\_ County, State of Indiana, personally appeared  
(Notary Public's county of residence)

\_\_\_\_\_ and acknowledge the execution of the foregoing instrument  
(Property Owner, Attorney, or Power of Attorney)

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
(day) (month) (year)



\_\_\_\_\_  
Notary Public--Signature

\_\_\_\_\_  
Notary Public--Please Print

My commission expires: \_\_\_\_\_



## **Board of Zoning Appeals Public Notice Sign Procedure:**

The petitioner shall incur the cost of the purchasing, placing, and removing the sign. The sign must be placed in a highly visible and legible location from the road on the property that is involved with the public hearing.

The public notice sign shall meet the following requirements:

1. Must be placed on the subject property no less than 20 days prior to the public hearing
2. The sign must follow the sign design requirements:
  - Sign must be 24" x 36" – vertical
  - Sign must be double sided
  - Sign must be composed of weather resistant material, such as corrugated plastic or laminated poster board
  - The sign must be mounted in a heavy-duty metal frame
3. The sign must contain the following:
  - 12" x 24" PMS 1805 Red box with white text at the top.
  - White background with black text below.
  - Text used in example to the right, with Application type, Date\*, and Time of subject public hearing

\* The Date should be written in day, month, and date format. *Example:*  
"Mon., January 23"
4. The sign must be removed within 72 hours of the Public Hearing conclusion



## **Public Notice Sign Placement Affidavit:**

I (We) \_\_\_\_\_ do hereby certify that placement of the public notice sign to consider Docket Number \_\_\_\_\_, was placed on the subject property at least twenty (20) days prior to the date of the public hearing at the address listed below:

STATE OF INDIANA, COUNTY OF \_\_\_\_\_, SS:

The undersigned, having been duly sworn, upon oath says that the above information is true and correct as he is informed and believes.

\_\_\_\_\_  
(Signature of Petitioner)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

**CARMEL BOARD OF ZONING APPEALS , CARMEL, INDIANA**

Docket No. : \_\_\_\_\_

Petitioner: \_\_\_\_\_

**FINDINGS OF FACT – ADMINISTRATIVE APPEAL (Ballot Sheet)**

1. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Board Member

**CARMEL BOARD OF ZONING APPEALS, CARMEL, INDIANA**

Docket No.: \_\_\_\_\_

Petitioner: \_\_\_\_\_

**FINDINGS OF FACT SHEET – ADMINISTRATIVE APPEAL**

1. The Petitioner has (has not) properly followed the Appeals Procedures outlined in Unified Development Ordinance Section 9.01, et seq. except as follows:

\_\_\_\_\_  
\_\_\_\_\_

2. Nature of action appealed from:

\_\_\_\_\_

Agency: \_\_\_\_\_

Date of Agency Decision: \_\_\_\_\_

3. Attached copy of Ordinance or materials which is subject of Appeal as Petitioner because:

\_\_\_\_\_  
\_\_\_\_\_

4. The written materials submitted to the Board does support the Petitioner because:

\_\_\_\_\_  
\_\_\_\_\_

5. The Agency, Official, Board or Zoning District boundary should be affirmed.

\_\_\_\_\_  
\_\_\_\_\_

6. The work on the premises upon which appeal has been filed shall not be stayed because:

\_\_\_\_\_  
\_\_\_\_\_

**DECISION**

IT IS THEREFORE the decision of the Carmel Board of Zoning Appeals that Administrative Appeal Docket No. \_\_\_\_\_ is granted, subject to any conditions stated in the minutes of this Board, which are incorporated herein by reference and made a part hereof.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
CHAIRPERSON, Carmel Board of Zoning Appeals

\_\_\_\_\_  
SECRETARY, Carmel Board of Zoning Appeals

Conditions of the Board shall be listed on back.  
(Petitioner or his representative to sign).